III. REMARKS

Claims 1-55 are pending in this application. By this amendment, claims 1, 4, 13, 16, 25, 28, 39 and 42 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-9, 11-21, 23-33, 35-47, 49-52, 54 and 55 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Gerace (U.S. Patent No. 5,848,396), hereafter "Gerace." Claims 10, 22, 34 and 48 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gerace in view of Petty (U.S. Patent No. 6,342,907), hereafter "Petty." Claim 53 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Gerace. Applicants respectfully traverse the rejections.

A. REJECTION OF CLAIMS 1-9, 11-21, 23-33, 35-47, 49-52, 54 AND 55 UNDER 35 U.S.C. §102(b)

With regard to the 35 U.S.C. §102(b) rejection over Gerace, Applicants assert that Gerace does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 13, 25 and 39, Applicants submit that Gerace fails to teach a marketing

09/998,111   Page 18 of 25   **BEST AVAILABLE COPY**

page element placed anywhere on the web page. Instead, Gerace teaches an advertisement

module that has a program controller that "...obtains sponsor submitted advertisements from

module and generates a screen view formatted according to user preferences." Col. 5, lines 15-

20. However, respecting the location of the displayed advertisements, Gerace teaches only that

they may be "top and/or closing banners" (col. 8, line 15); "displayed at the top and/or bottom of

the screen view" (col. 8, lines 50-51); "at the top and/or bottom of the screen view" (col. 8, lines

65-66); "at the bottom of the screen view" (col. 9, lines 6-7); "displayed at the top of the screen

view and at the end of a Travel Options Page" (col. 9, lines 28-20); "to be inserted at the top of

the screen view and at the end" (col. 9, lines 50-51); "at a beginning screen view and/or end

screen view" (col. 9, lines 53-54); "beginning screen view and end screen view advertisement

ability" (col. 9, lines 63-64); "across the top and bottom of the screen view" (col. 10, lines 2-3);

"at the beginning and end of the page/screen view" (col. 10, lines 6-7); "a banner to appear at the

top of the screen" (col. 14, lines 28-29); and "along the top, bottom and/or sides of the screen"

(col. 14, lines 48-49). As such, the location of the displayed advertisements is limited to the

specified areas in Gerace and cannot be placed anywhere on a web page. In contrast, the claimed

invention includes "...a marketing page element placed anywhere on the web page, said

marketing page element providing storage for data items having marketing content, the data

items for displaying on the web page." As such, the location of the data items having marketing

content is not limited to specified areas as are the displayed advertisements in Gerace, but may

instead by placed anywhere on the web page. Thus, the program controller in Gerace is not

equivalent to the marketing page element as included in the claimed invention. Accordingly,

Applicants respectfully request withdrawal of the rejection.

With further respect to independent claims 1, 13, 25 and 39, Applicants submit that Gerace fails to teach a marketing page element placed on the web page, the marketing page element providing storage for data items having marketing content wherein the data items are for displaying on the web page. Instead the Office cites a passage in Gerace that teaches that "web documents may contain graphics, text, sound, video or any combination of these," and that web documents may also include forms that "include blank spaces to be completed by users and then returned to the publishing computer, thus allowing interactivity." Col. 1, lines 30-45. However, this passage in Gerace fails to teach a discrete element of a web page that is placed on a web page for storing data items to be displayed on the web page. The Office further cites a passage in Gerace that teaches that certain sites offer agate information on the Internet and allow users to look up individual stock quotes." Col. 1, lines 60-67. However, this passage also does not teach a discrete element of a web page that is placed on a web page for storing data items to be displayed on the web page. The Office still further cites a passage in Gerace that teaches recording the starting date and time and ending date and time of the session, the referring link from which the user accessed the program, the user's identification number (e.g., as stored in a cookie), and an indication of the user's web browser software. Col. 6, lines 45-52. However, this passage in Gerace does not teach that the information is stored in a discrete element of the web page that is placed on the web page, that the information includes data items to be displayed on the web page, or that the data items have marketing content. The Office yet still further cites a passage in Gerace that teaches recording advertising information, including number of click throughs purchased, pricing and timing details, in an Ad Package Object. However, Gerace does

09/998,111   Page 20 of 25

not teach that this Ad Package Object is an element of the web site or that the recorded information is to be displayed on the web page.

The Office yet still further cites a passage in Gerace that teaches that the program allows the sponsor to enter new advertising contracts on line and to place the type of ad in front of the subject target market segment. Col. 20, lines 10-20. However, this passage of Gerace does not teach that this entered information is stored on a discrete element of the web site or that it is to be displayed on the web site. The Office yet still further cites a passage in Gerace that teaches, in response to a request from a user, assembling data from a pertinent agate source, formatting the data into tables, returning it to the server, and displaying appropriate advertisements. Col. 16, lines 45-52. However, this passage in Gerace does not teach that data items to be displayed on the web page are stored in a discrete element of the web page that is placed on the web page, but instead that they are retrieved from an outside source. The Office yet still further cites a passage in Gerace that teaches displaying a screen view featuring the exchange prices from various global exchanges, enabling a banner to appear at the top of the screen, allowing the user to click on the banner to get more information, and recording information about the clicking user. Col. 14, lines 25-35. However, this passage in Gerace does not teach that the banner that is for display is stored in a discrete element of the web page. The Office yet still further cites a passage in Gerace that teaches generating a custom Home Page, displaying agate data, and displaying advertisements stored in an advertisement module. Col. 2, lines 24-30; col. 4, lines 25-30. However, this passage in Gerace does not teach that the advertisements are stored in a discrete element placed on the web page. In contrast to Gerace, the present invention includes "...a marketing page element placed anywhere on the web page, said marketing page element

09/998,111   Page 21 of 25

providing storage for data items having marketing content, wherein the data items are for displaying on the web page." Claim 1. As such the data items as included in the claimed invention have marketing content and are for displaying on a web page. Furthermore, the data items are stored in a marketing page element that is placed anywhere on the web page. The unique placement of the marketing page element on the web page, among other things, allows for the effective separation of tasks relating to the design of the web page and those relating to the design of a means for implementing a marketing strategy to determine what marketing content should be presented on that web page. This is in sharp contrast with the cited references in Gerace, in which the various features are not taught to be stored in a discrete element of the web page that is placed on the web page, to include data items to be displayed on the web page, or to have marketing content. Thus, the cited passages in Gerace do not teach a marketing page element as included in the present invention. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With respect to claims 4, 16, 28 and 42, Applicants respectfully submit that Gerace also fails to teach a marketing strategy having marketing rules in an if – then format. Instead, Gerace teaches an Ad Series Object that provides an indication of the demographic group pre-requested by the sponsor to be shown that advertisement. Col. 12, lines 22-27. However, nowhere does Gerace specify that the indication of demographic group is in an if – then format. The present invention, in contrast, includes "…a marketing strategy having marketing rules in an if – then format." Claim 4. As such, the format of the marketing strategy is not unspecified as is the indication of the demographic group in Gerace, but rather has marketing rules in a if – then format. For the above reasons, the indication of the demographic group in Gerace is not

equivalent to the marketing strategy as included in the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to claims 9, 21, 33 and 47, Applicants respectfully submit that Gerace also fails to teach providing at least one data item having marketing content to said marketing page element from a pre-determined second source of data items in the event that at least one data item to be stored in said marketing page element as determined by the marketing content selection system cannot be retrieved from the first source of data items. Instead, the Office cites a passage in Gerace that teaches that agate data may be retrieved from various sources. Col. 16, lines 55-67. However, this passage in Gerace does not deal with advertisements, but instead deals with agate data. Nowhere does Gerace teach that if advertisements cannot be retrieved from a first source that it is provided from a pre-determined second source. The claimed invention, in contrast, includes "...provid[ing] at least one data item [having marketing content] to said marketing page element from a pre-determined second source of data items in the event that at least one data item to be stored in said marketing page element as determined by the marketing content selection system cannot be retrieved from the first source of data items." Claims 1, 9. As such, if a data item cannot be retrieved from a first source of data items, it is provided from a pre-determined second source of data items. Furthermore, this data item is not merely agate data as in Gerace but instead has marketing content. Accordingly, Applicants request withdrawal of the rejection.

With respect to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are

09/998,111   Page 23 of 25

allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

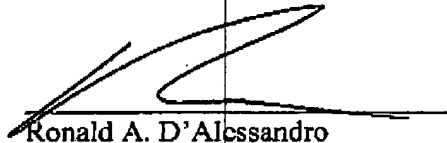## B. REJECTION OF CLAIMS 10, 22, 34, 48 and 53 UNDER 35 U.S.C. §103(a)

With regard to the Office's arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejections.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: January 18, 2005

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09/998,111   Page 25 of 25